

REMARKS

The applicant has reviewed the Examiner's comments in the Advisory Action dated November 6, 2009, and respectfully submits that the applicant's arguments are valid and the claims are allowable.

The PBS article is not citable prior art

Contrary to the Examiner's assertion, the PBS article is not citable as prior art, for lack of even providing a description of "high level functions" sufficient to enable a user-controlled unicast video delivery system. The applicant appreciates that one of ordinary skill in the art would understand many things about these types of systems, including that remote controls can use infrared or wireless radio frequencies etc. However, the article cited by the Examiner fails to include even the basic parameters of a user-controlled unicast video delivery system.

The PBS article states: "Preceps IP/TV software, which is based on the IP multicast standard, will be used to deliver the business channel video programs over the public internet and corporate internets." This is a ***multicast system*** (in fact it is expressly stated to be based on the IP multicast standard). This has nothing to do with a ***user-controlled unicast*** video delivery system that sends to a subscriber only the channel requested by the subscriber, ***at the time the subscriber requests it***. There is nothing in the PBS article that even suggests such a system. Therefore, even combined with Adams' multicast video delivery system, there is clearly not an enabling disclosure of a user-controlled unicast system such as the present invention. The cited prior art refers to a completely different type of video delivery system – a multicast system – and does not give sufficient detail from which a person of ordinary skill in the art could derive a user-controlled unicast system.

The cited prior art teaches only multicast systems

The Examiner refutes the applicant's argument that the PBS article does not teach a user-selected channel on the basis that it also references "video on demand." However, this is described in the article as another IP ***multicasting*** system. The PBS article itself states "multicast is an industry-standard technique that conserves network bandwidth by sending a single "stream of data ***that can be received by any user who wishes to tap into it***." It is clear from this statement that the stream is not delivered to the user upon request even in the video on demand system referenced

in the article; rather, the stream is broadcast at a preset time and may be “tapped into” by the user while it is being transmitted. This is completely different from the present invention, which sends the signal to the user in response to (i.e. at the time of) the user’s request for a specific channel. Again, the Examiner has imputed to the PBS article characteristics and features which simply do not exist in the proposed PBS system.

Moreover, contrary to the Examiner’s assertion, the electronic programming guide referred to by the Examiner certainly does not allow for user-selected programming at all. It merely tells a user which program is being broadcast at a particular time. In other words, it simply allows a user to “tap into” programming that is *already being broadcast* at a specific time (which is precisely why a program guide is necessary, to let the user know what program is available and what time the program is being broadcast). Further, electronic programming guides are used where multiple channels are being sent to the user, and the user needs to tune to the correct channel; again, this is totally conventional and has nothing to do with the system of the invention. The presence of an electronic programming guide, if anything, teaches that the programs are delivered at the *broadcaster’s* schedule, not on request by the user, and nothing more.

Ultimately, with respect, the Examiner has missed the point that in the system of the invention the video output signal is sent only to the user and only in response to the user’s request. This is recited in claim 21 as “...routing the channel selection in the format of an internet protocol, the switching device being controlled by the server and *outputting an output signal containing the user-selected channel to the one of the plurality of communications interfaces responsive to the one or more control signals input into the one of the plurality of communications interfaces.*” This recites a unicast system, because the signal is sent “to the one of the plurality of communications interfaces,” and it is sent upon request by the user, i.e. “responsive to the one or more control signals,” not at a preset broadcast time.

In the second paragraph on page 4 the Examiner responds to the applicant’s argument that the references fail to show certain features of the invention, in particular a user-controlled unicast system, because it is not recited in the rejected claims. As noted above, the Examiner is incorrect. Claim 21 recites “...outputting an output signal containing the user-selected channel *to the one of the plurality of communications interfaces* responsive to the one or more control signals...”

This can only be interpreted as a unicast system. There are a plurality of communication interfaces, and the signal is sent only to one subscriber's specific communications interface. The claim thus positively recites a unicast system (albeit without actually using the word "unicast").

Finally, the Examiner agrees that Adams does not route the video back through the digital switch, but indicates that this is not a limitation of the claims. Again, with respect, the Examiner is incorrect. Claim 21 recites "***the switching device...outputting an output signal containing the user-selected channel*** to the one of the plurality of communications interfaces..." The user-selected channel itself is routed through the switching device in the claimed invention, according to the clear wording of the claim.

Claim 29 recites similar limitations, in "outputting an output signal containing the user selected channel to the one communications interface of the plurality of communications interfaces...". The limitations of the system being a unicast system and routing the digital video output signal through the digital switch are just as clearly recited in claim 29.

The applicant therefore respectfully submits that the Examiner's reasons for refusing the applicant's arguments are based on incorrect premises. Allowance of this application is therefore respectfully requested.

A Petition for an Extension of Time requesting an extension of two months for filing the subject response is attached. The Commissioner is authorized to charge any deficiency or credit any overpayment in the fees for same to our Deposit Account No. 500663.

Executed at Toronto, Ontario, Canada, on December 18, 2009.

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Att: Petition for Extension of Time